

OCA 86-2876  
21 August 1986

MEMORANDUM FOR:

FROM:

Legislation Division  
Office of Congressional Affairs

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SUBJECT: Comprehensive Immigration Reform Legislation:  
Status of House Bill - H.R. 3810

1. Summary. House leadership has made a commitment to bring to the floor in September the House version of comprehensive immigration reform legislation. Neither the current version of the legislation nor proposed major amendments appear to be of concern to the Agency. The Schumer/Berman amendment providing for accelerated "legalization" of certain agricultural workers could, however, result in addition work for the Agency insofar as its role in the "national agency name check" process for these individuals is concerned.

Action to Date

2. Rodino Bill. As you may recall, last year, when efforts towards comprehensive immigration reform legislation faltered in the House (the Senate has already passed its version of his legislation), Representative Rodino, Chairman of the House Judiciary Committee, took what was then the latest House version of the "Simpson-Mazzoli" immigration reform bill, revised it and introduced it as a "clean bill", H.R. 3810. This bill was then referred to the Judiciary Committee.

3. House Judiciary Committee Action. On June 18, 1986, Judiciary completed action on the bill, "marking it up" and reporting it out (House Report No. 99-682, Part 1 - July 16, 1986). In its "markup", Judiciary adopted a highly

controversial amendment (reflected in Section 302 of the bill as reported out by Judiciary) offered by Representatives Schuman and Berman. This amendment provides for an accelerated process for certain agricultural workers to gain permanent resident alien (pra) status, i.e., "legalization/amnesty". This process would be separate from the bill's other "legalization/amnesty" program.

4. Other House Committee Action. The bill was then sequentially referred to the following committees: Education and Labor; Ways and Means; Energy and Commerce; Agriculture; Post Office and Civil Service; and, Banking, Finance and Urban Affairs. These committees had until July 28, 1986 by which to complete action on the bill or be automatically discharged of it. The first four of these committees completed action on the bill and reported it out: Education and Labor (House Report No. 99-682, Part 2 ), Ways and Means (Part 3), Energy and Commerce (Part 4) and, Agriculture (Part 5). The other two failed to do so and thus were discharged from further consideration of it.

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7. Review of the reports of the other four reporting committees indicates that none took action directly affecting these four items either.

8. Schumer/Berman Amendment. The Schumer/Berman amendment, however, is of possible interest as follows. Agency interest in the amnesty commencement and length provisions is, of course, based on a desire to ascertain how much demand would be placed by the amnesty program upon the Agency in its role as participant in the "national agency name check" process. It is that process which will be used in determining whether to

"clear" an individual for amnesty. The Schumer/Berman accelerated agricultural worker amnesty program added by the Judiciary Committee presumably could result in the "legalization" of a number of agricultural workers separate and apart from the original "legalization" channel. Assuming that the "name check" process would be used to "clear" these individuals for "legalization" and that the Agency were to participate fully in that process, if the House were to adopt Schumer/Berman intact and it survived conference, the Agency could be facing additional work with respect to the processing of these individuals. With this in mind, it should be noted that in its current form, Schumer/Berman would commence six months after the bill's enactment and run for eighteen months thereafter. Schumer/Berman is highly controversial, however, and it is not clear whether it will survive House floor action. In fact, it may be that inability to reach agreement on this provision could cause the bill's defeat on the floor.

#### Upcoming Action

9. House Floor Action. The next step is for the bill to be considered on the House floor. We are advised that the House leadership has made a commitment to bring the bill to the House floor in early September when the House returns from its summer recess. In order for this to be done, though, the leadership will have to come up with a way to deal procedurally on the floor with the bill, the various committee amendments and all the other amendments which are likely to be proposed. The committee amendments and other potential amendments are quite numerous and some committee amendments may contradict others. In addition, several provisions of the bill and some amendments are extremely controversial (Schumer/Berman as noted above). All of this will make the leadership's task difficult.

10. If action is not completed by that time, both the House bill and the Senate-passed companion measure will necessarily expire as they are products of the Congress then expiring, i.e., the 99th Congress, 2nd Session. If this happens, the entire effort will have to begin anew in January 1987 with the introduction of new bills in both Houses at the start of the 100th Congress, 1st Session.

11. This office will keep you advised of the status of this legislation.

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